

EXHIBIT A

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR ISLAND COUNTY

ANTHONY BEMELMAN,

Plaintiff,

-VS-

DEERE & COMPANY,

Defendant.

NO.

SUMMONS

TO THE DEFENDANT: DEERE & COMPANY

A lawsuit has been started against you in the above-entitled court by the plaintiff. Plaintiff's claim is stated in the written complaint, a copy of which is served upon you with this summons.

In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and serve a copy upon the undersigned attorney for the plaintiff within twenty (20) days after service of this summons or within sixty (60) days if this summons was served outside the State of Washington, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where the plaintiff is entitled to what he asks

BUCKLEY & ASSOCIATES, PS, INC.

ATTORNEYS AT LAW
675 South Lane Street, Suite 300
Seattle, Washington 98104
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SUMMONS - 1

Handwritten: R-d 5/8/20

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2 for because you have not responded. If you serve a notice of appearance on the undersigned
3 attorney, you are entitled to notice before a default judgment may be entered.

4 You may demand that the plaintiff file this lawsuit with the court. If you do so, the
5 demand must be in writing and must be served upon the plaintiff. Within 14 days after you serve
6 the demand, the plaintiff must file this lawsuit with the court, or the service on you of this summons
7 and complaint will be void.
8

9 If you wish to seek the advice of an attorney in this matter, you should do so
10 promptly so that your written response, if any, may be served on time.
11

12 This summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of the
13 State of Washington.
14

15 DATED this 9th day of MARCH, 2020.

16 BUCKLEY & ASSOCIATES
17 Attorneys for Plaintiff

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19 BY: 

20 RONALD L. UNGER
21 WSBA #: 16875
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COMPLAINT FOR DAMAGES

COMES NOW the plaintiff, by and through his attorneys, Buckley & Associates,
and for claims against the defendant, alleges as follows:

1. PARTIES/ JURISDICTION

1.1 The plaintiff resides in Island County, Washington.

1.2 At all times material herein, the defendant was a foreign profit corporation doing
business in Island County, Washington.

1.3 All acts and omissions material to this lawsuit occurred in Island County,
Washington.

1.4 This court has jurisdiction and venue over the parties and the subject matter of this
action.

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II. FACTS

2.1 On or about February 23, 2018, the plaintiff slipped on some ice near an operating John Deere mini excavator, model number 27D, serial number 1FF027DXPCG257225 (hereinafter, the "mini excavator").

2.2 The aforesaid min-excavator was manufactured, designed and sold by the defendant.

2.3 After slipping, the plaintiff's right hand landed between the track chain and sprocket while the tracks were engaged and rotating, causing severe injury.

2.4 At the time of the injury to the plaintiff, the tracks were engaged and rotating on the mini excavator even though there was no operator present, rendering the mini excavator unreasonably dangerous in design and exposing persons near the mini excavator to an inherent danger.

2.5 At the time of the injury, there was no guard over the chain and sprocket, thereby rendering the mini excavator unreasonably dangerous in design and exposing persons near the mini excavator to an inherent danger.

2.6 At the time of the injury, the mini-excavator did not have any signs or warnings for operators or other persons about the danger created by the open condition of the engaged chain and sprocket, thereby rendering the mini excavator unreasonably dangerous and exposing persons near the mini excavator to an inherent danger.

2.7 At the time of the injury, the defendant knew or should have known about the dangerous condition of the open sprocket and chain which could be engaged while no operator was present.

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2.10 The mini excavator was not reasonably safe because adequate warnings and instructions were not provided and as a proximate cause of the failure to provide adequate warnings and instructions, the plaintiff sustained personal injuries and damages in an amount to be proven at trial.

3.1 The plaintiff hereby waives the physician-patient privilege to the extent required by RCW 5.60.060, as limited by the plaintiff's constitutional rights of privacy, contractual rights of privacy, and the ethical obligations of physicians and attorneys not to engage in ex parte contact between a treating physician and the patients' legal adversaries.

Negligence

4.2 As a proximate cause of the negligent conduct of the defendant, the plaintiff sustained personal injuries and damages and special damages in an amount to be proven at trial.

COMPLAINT - 3

1 **Product Liability**

2 4.3 The defendant is liable due to the following: 1) providing a product that was not
3 reasonably safe in design; 3) providing a product that was not reasonably safe because no
4 adequate warnings or instructions were given.

5 4.4 The acts and omissions of the defendant proximately caused the plaintiff to
6 sustain great bodily injuries and pain and suffering and other damages in an amount to be proven
7 at trial.

8
9 **V. RELIEF REQUESTED**

10 **WHEREFORE**, the plaintiff prays for the following relief:

- 11 1. For judgment against the defendant for general and special damages in an
12 amount to be proven at the time of trial;
- 13 2. For attorney fees and costs; and
- 14 3. For such other and further relief as the Court may deem just and equitable in
15 the premises.
- 16

17
18 DATED this 9th day of March, 2020

19
20 BUCKLEY & ASSOCIATES
21 Attorneys for Plaintiffs

22 BY: 

23 _____
24 RONALD L. UNGER
25 WSBA #: 16875